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November 16, 2022

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Via ECF

The Honorable Paul A. Engelmayer
United States District Judge, S.D.N.Y.
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 1305
New York, New York 10007

Re: *Capri Sun GmbH v. American Beverage Corporation*; 1:19-cv-01422 (PAE)
Joint Request for Adjournment of 12/2/22 Deadline for Revised Joint Pre-Trial Order

Dear Judge Engelmayer:

We represent Plaintiff Capri Sun GmbH in the above-referenced civil action. Pursuant to Rule 1.A of the Court's Individual Rules and Practices (Rev. April 2021), we write, together with counsel for Defendant American Beverage Corporation, to respectfully request an adjournment of the December 2, 2022 deadline for the parties' revised Joint Pre-Trial Order. *See* October 27, 2022 Docket Text Entry ("Set/Reset Deadlines: Pretrial Order due by 12/2/2022").

The Honorable Valerie Figueredo is conducting a settlement conference in this action the week of January 9, 2023. The parties respectfully submit that the most efficient use of time and their clients' resources would be to focus on preparing for the settlement conference, including preparing their respective detailed settlement memoranda, in a good faith effort to potentially resolve this dispute. Accordingly, the parties respectfully request that the Court adjourn the December 2, 2022 deadline for their revised Joint Pre-Trial Order until February 10, 2023 (approximately 30 days after their settlement conference). The parties also request that the Court adjourn the deadline to submit a joint letter concerning Capri Sun's request to call Mr. Donohue at trial until February 10, 2023. The parties currently are engaged in discussions concerning a potential stipulation that would moot the need for the joint letter. Such an adjournment would not affect any other dates or deadlines in this case, especially where trial, if necessary, is likely to be scheduled in June 2023.

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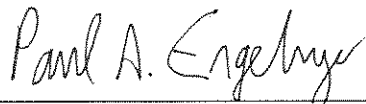
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We thank the Court for its time and consideration.

Respectfully submitted,

/s/ Jonathan W. Thomas
Jonathan W. Thomas

Granted. SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", is written over a horizontal line.

PAUL A. ENGELMAYER
United States District Judge
November 16, 2022